



## II. REMARKS

### Status of the Claims

Claim 1, is amended and claims 1,2,4-7,11,13,14,16-18 are resubmitted for consideration.

### Summary of the Office Action

Claims 1,2,47, and 11 stand rejected under 35USC102(e) on the basis of the cited reference Ito, U.S. Patent No. 6,542,471. Claims 13,14,16-18 stand rejected under 35USC103(a) based on the cited reference Ito, et al. The Examiner is respectfully requested to reconsider his rejections in view of the following remarks.

### Discussion of the Cited Reference

The Examiner has cited the reference Ito in support of the rejections on the basis of Anticipation and Obviousness. The reference Ito describes a system for providing communication to mobile equipment loaded in a vehicle. The system is constructed to maintain satisfactory communication through the vehicle's speed range. A speed detector provides a signal indicative of the speed change. A predetermined vehicle speed value is set and compared to a detected vehicle speed to trigger a change in the communication speed when the predetermined speed value is crossed. At low vehicle speed, communication speed is high and at high vehicle speed, communication speed is low. One method suggested for adjusting communication speed is to vary the chip rate. This is claimed to minimize the effect of Doppler Shift as vehicle speed varies.

Although the system of Ito varies chip rate, it does so in a completely different manner for a completely different purpose

relative to the subject system. In the subject system code rate is increased during the process of signal acquisition in response to a correlation step that achieves a timing lock at a first code rate for the purpose of reducing the signal acquisition time. The system of Ito does not increase the code rate in response to correlation, but varies the code rate according to a vehicle's speed. The disclosure of Ito therefore, does not support the rejection based on anticipation.

Further the Examiner likens the CRC or parity check of Ito to the calculation of the probability of detection value the subject system. The error check of Ito is based on an error occurrence rate having little to do with detection. A person skilled in the art would not be taught to modify the error check of Ito to obtain the probability detection value of the subject invention.

### **The Issue of Anticipation**

The Examiner is reminded that the anticipation analysis requires a positive answer to the question of whether the system of Ito would infringe the claims of this application, if it were later.

Claim 1 of this application is directed to a system capable of performing the following steps:

**"as part of the acquisition, correlating the signal with a first code sequence having a first code rate and achieving a timing lock as said first code rate;**

**transmitting, in response to the step of correlating the signal with said first code sequence, an acknowledgement from said second transceiver of the signal to said first transceiver of the signal; and**

**changing, at said first and second transceivers, in response to the step of correlating the signal with the first code sequence,**

**to a second code sequence having a second code rate that is higher than said first code rate."**

Since the system of the cited reference Ito does not change chip rate in response to a correlation step, there is no infringement of the subject claims. Therefore the teaching of Ito does not support the rejection based on anticipation with respect to any of the claims. Claim 13 contains similar language.

These arguments apply equally to the rejected dependent claims.

### **The Issue of Obviousness**

It is well settled that in order to establish a prima facie case for obviousness, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, without reference to the disclosure of this application.

Applicant submits that as a result of the above described deficiencies of the reference Ito, it does not support a prima-facie case of obviousness. The modification of the teachings of Ito, in order to obtain the invention, as described in the claims submitted herein, would not have been obvious to one skilled in the art.

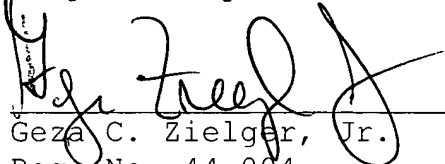
The above arguments apply equally to the rejected dependent claims.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should

any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Geza C. Zielger, Jr.  
Reg. No. 44,004

22 Nov 2005  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

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